

In re Appln. of Hardee, et al.
Application No. 09/998,603

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated November 16, 2004 is presently pending in the application. Claims 1-2, 5, 15 and 22 were amended, and no claims have been added or cancelled; therefore, Claims 1-27 are pending in the application.

The § 112 Rejection of Claims 1-21

Claims 1-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, for Claim 1, the Office action asserts that it is unclear what seam the first sheet of material is attached along. For Claim 5, the Office action asserts that the phrase "turning the inside out" is confusing. For Claim 15, the Office action asserts that it is misdescriptive to state that the sealing tape is attached over the attachment of the first and second sheets of material.

Applicants have amended Claims 1, 5, and 15 to take into account the assertions in the Office action. Applicants submit that each of the claims now particularly points out and distinctly claims the subject matter which the Applicants regard as the invention. Therefore, the Applicants submit that the § 112 rejection should be withdrawn.

The Office action indicated that Claims 1-21 would be allowable if the § 112 rejection were overcome.

The § 103 Rejection of Claims 22-27

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 4,519,410 to Kubacki in view of U.S. Patent Number 5,083,644 to Collins, III. This rejection is respectfully traversed.

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The Office action correctly points out that *Kubacki* fails to teach exactly how corners are formed in its tub floor. The Office action cites *Collins* as teaching a fabric structure with corners that are formed by attaching portions of adjacent sidewalls together via stitching and then turning the fabric inside out so that the seams are hidden from view. In accordance with the Office action, it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the four corners of *Kubacki* in this manner. Applicants respectfully disagree.

At the outset, Applicants assert that *Collins* would not be analogous art for a person of ordinary skill in the art of tent floors. A tub floor for a tent is a structure that is attached to the bottom of a tent, and is used primarily to keep water from permeating the bottom of the tent and to otherwise provide protection against outdoor elements. In essence, the tub floor serves as a bottom portion and floor of a tent, and together with tent walls forms an enclosure for the tent. The briefcase cover in *Collins* is not used in a similar manner. Applicants have amended Claim 22 to more particularly point out the function of the tub floor in that claim by including tent walls that are attached to an upper edge of the tub floor. There is nothing attached in a similar manner to the briefcase cover in *Collins*. For at least these reasons, the rejection of Claims 22 and 23 should be withdrawn.

Claims 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kubacki* in view of *Collins* and further in view of U.S. Patent Number 6,154,884 to Dehner. Applicants object to this combination of the references, and assert that the combination could be made only based upon hindsight knowledge of the Applicants' invention, and there is no motivation within the references to combine them in the manner described in the Office action. In essence, the Office action cites a tent with a tub floor, the tub floor constructed in a completely different manner than the invention of Claims 24-27. The Office action combines this tent with a briefcase cover (which is non-analogous art as described above) and a random reference that discloses use of waterproof sealing tape to come up with the invention of Claims 24-27. Not only would a person of ordinary skill in the art not look to a briefcase cover such as the cover in

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Collins, but that person of ordinary skill in the art, at the time of the invention of Claims 24-27, would be provided no motivation to combine these references in the manner set forth in the claims. For at least these reasons, Applicants submit that the rejection of Claims 24-27 should be withdrawn.

For the sake of clarity, the independent claims and some of the dependant claims of the application are discussed in this Amendment. Applicants submit that the independent claims are allowable, and therefore the dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, Applicants submit that the other dependent claims further define subject matter not shown or made obvious by the prior art.

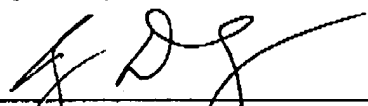
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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-27 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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